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HOUSE BILL 2347

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Warnick, Hinkle, McCune, Ahern and Dunn

Read first time 02/22/2007. Referred to Committee on Judiciary.

1            AN ACT Relating to preempting common law causes of action to  
2 determine parentage; adding a new section to chapter 26.26 RCW; and  
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.**    In *In the Matter of the Parentage of L.B.*,  
6 155 Wn.2d 679 (2005), the Washington supreme court declared that there  
7 is a common law cause of action in Washington to determine parentage.  
8 The court determined that a person who is not the biological or  
9 adoptive parent of a child can be a de facto parent. The court stated  
10 that the legislature has failed to speak on the subject and therefore  
11 the court was not precluded from providing a remedy through the common  
12 law.

13            The legislature intends to address the issue of de facto parentage.  
14 The legislature did not intend to create a de facto parent. The  
15 legislature, in enacting the statutes involving parentage, adoption,  
16 surrogacy, and other statutes addressing children, intended the  
17 statutes to be the sole method of adjudicating parentage and the  
18 legislature did not intend for there to be additional common law  
19 methods of determining parentage.

1        NEW SECTION.   **Sec. 2.**   A new section is added to chapter 26.26 RCW  
2   to read as follows:

3        This chapter, the statutes addressing adoption, surrogacy, and  
4   other statutory provisions addressing children, shall be the sole  
5   methods of determining parentage and shall preempt any common law cause  
6   of action to determine parentage.

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